

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:24-cv-01037-MMH

Alexander Gomez v. Niktab Inc. et al
Assigned to: Magistrate Judge Marcia M. Henry
Cause: 42:1201 Civil Rights (Disability)

Date Filed: 02/09/2024
Date Terminated: 07/12/2024
Jury Demand: None
Nature of Suit: 446 Civil Rights: Americans with
Disabilities – Other
Jurisdiction: Federal Question

Plaintiff**Alexander Gomez**

represented by **Maria Constanza Barducci**
Barducci Law Firm PLLC
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ATTORNEY TO BE NOTICED

V.

Defendant**Niktab Inc.****Defendant****A.K. Pizza Corp**

represented by **Mitchell Jeffrey Canter**
Law Offices of Mitchell J. Canter
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845-371-7500
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/09/2024	<u>1</u>	COMPLAINT against A.K. Pizza Corp, Niktab Inc. filing fee \$ 405, receipt number ANYEDC-17556746 Was the Disclosure Statement on Civil Cover Sheet completed –yes,, filed by Alexander Gomez. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover) (Barducci, Maria) (Entered: 02/09/2024)
02/09/2024	<u>2</u>	Proposed Summons. Re <u>1</u> Complaint, by Alexander Gomez (Attachments: # <u>1</u> Proposed Summons Proposed Summons) (Barducci, Maria) (Entered: 02/09/2024)
02/12/2024	<u>3</u>	Summons Issued as to A.K. Pizza Corp, Niktab Inc.. (Attachments: # <u>1</u> A.K. Pizza Corp) (SDM) (Entered: 02/12/2024)
02/12/2024	<u>4</u>	

Clerks Notice Re: Consent. A magistrate judge has been assigned as the presiding judge in this case as part of a Pilot Program, governed by EDNY Administrative Order 2023–23. In accordance with Rule 73 of the Federal Rules of Civil Procedure, Local Rule 73.1, the parties are notified that if all parties consent, the assigned Magistrate Judge is available to conduct all proceedings in this action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to this Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form is also available here:

<https://www.nyed.uscourts.gov/edny-direct-assignment-pilot-program>. Any party may withhold its consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. Unless all parties consent to the Magistrate Judge jurisdiction by the deadline set forth in the Administrative Order 2023–23, a District Judge will be assigned to the case. The parties are directed to review the terms of Administrative Order 2023–23 and other materials related to the Pilot Program on the Courts website:

<https://www.nyed.uscourts.gov/edny-direct-assignment-pilot-program>. (SDM) (Entered: 02/12/2024)

02/12/2024	<u>I 5</u>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (SDM) (Entered: 02/12/2024)
02/21/2024	<u>I 6</u>	SUMMONS Returned Executed by Alexander Gomez. A.K. Pizza Corp served on 2/20/2024, answer due 3/12/2024. (Barducci, Maria) (Entered: 02/21/2024)
02/21/2024	<u>I 7</u>	SUMMONS Returned Executed by Alexander Gomez. Niktab Inc. served on 2/20/2024, answer due 3/12/2024. (Barducci, Maria) (Entered: 02/21/2024)
03/12/2024	<u>I 8</u>	ANSWER to <u>1</u> Complaint, <i>with affirmative defenses</i> by A.K. Pizza Corp. (Canter, Mitchell) (Entered: 03/12/2024)
03/12/2024	<u>I 9</u>	CERTIFICATE OF SERVICE by A.K. Pizza Corp re <u>8</u> Answer to Complaint (Canter, Mitchell) (Entered: 03/12/2024)
03/21/2024	<u>I 10</u>	SCHEDULING ORDER: An in–person initial conference will be held on 05/22/2024 at 12:00PM in Courtroom 504 North before Magistrate Judge Marcia M. Henry. All counsel must attend. Counsel are directed to review the attached Initial Conference Order and this Court's Individual Practice Rules for instructions. By 05/15/2024 , the parties must file a joint and completed copy of the attached Proposed Discovery Plan (also available in PDF format at: https://img.nyed.uscourts.gov/files/local_rules/ProposedDiscoveryPlanMMH.pdf). So Ordered by Magistrate Judge Marcia M. Henry on 03/21/2024. (Attachments: # <u>1</u> Individual Practice Rules, # <u>2</u> Proposed Discovery Plan) (SY) (Entered: 03/21/2024)
05/14/2024	<u>I 11</u>	CASE MANAGEMENT STATEMENT (Barducci, Maria) (Entered: 05/14/2024)
05/15/2024	<u>I 12</u>	Emergency MOTION to Adjourn Conference <i>scheduled for May 22 2024</i> by A.K. Pizza Corp. (Attachments: # <u>1</u> letter request for adjournment) (Canter, Mitchell) (Entered: 05/15/2024)
05/17/2024	<u>I</u>	ORDER granting 12 : The in–person initial conference scheduled 05/22/2024 is adjourned to 07/11/2024 at 10:00AM before Magistrate Judge Marcia M. Henry. The in–person initial conference will be held in Courtroom 504 North. Counsel must attend. So Ordered by Magistrate Judge Marcia M. Henry on 05/17/2024. (SY) (Entered: 05/17/2024)
07/03/2024	<u>I</u>	ORDER: The in–person initial conference scheduled for 07/11/2024 at 10:00AM is <u>converted to a video initial conference</u> . Pro se litigants and counsel for each represented party shall appear by video.

Case participants shall join the video call ten (10) minutes before the conference and shall use the Zoom invitation link sent to the email addresses listed on the docket. To access this conference telephonically, the phone number **646-828-7666** and follow these steps: (1) Enter the meeting ID number: **161 621 7146** and then press #. (2) Press # again. (3) Enter the passcode: **314906** . Persons granted remote access to proceedings are reminded that photographing, recording, and rebroadcasting of any court proceeding or communication with the Court are prohibited. Violation of these prohibitions may result in sanctions. A transcript of the proceedings may be ordered from the Clerk's Office or the assigned Court Reporter. So Ordered by Magistrate Judge Marcia M. Henry on 07/03/2024. (SY) (Entered: 07/03/2024)

07/05/2024	<u>13</u>	MOTION to Adjourn Conference by Alexander Gomez. (Barducci, Maria) (Entered: 07/05/2024)
07/08/2024	<u>13</u>	ORDER denying <u>13</u> : The Motion to Adjourn Conference is denied . The initial conference will proceed as scheduled. So Ordered by Magistrate Judge Marcia M. Henry on 07/08/2024. (SY) (Entered: 07/08/2024)
07/11/2024	<u>13</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Marcia M. Henry: An video initial conference was held on 07/11/2024. Maria Constanza Barducci appeared on behalf of the Plaintiff. Mitchell Canter appeared on behalf of Defendant A.K. Pizza Corp. As stated on the record and conceded by counsel, the proper venue for this action is the U.S. District Court for the Southern District of New York. A separate order shall issue. So Ordered by Magistrate Judge Marcia M. Henry on 07/11/2024. (Zoom Log # 10:18AM-10:23AM) (SY) (Entered: 07/12/2024)
07/12/2024	<u>14</u>	TRANSFER ORDER: The Court respectfully directs the Clerk of Court to transfer this action to the United States District Court for the Southern District of New York. <i>See</i> 28 U.S.C. § 1404(a). This order closes this action in this court. See attached . So Ordered by Magistrate Judge Marcia M. Henry on 07/12/2024. (SY) (Entered: 07/12/2024)
07/12/2024	<u>14</u>	Case transferred to District of Southern District of New York. Original file, certified copy of transfer order, and docket sheet sent. ALL FILINGS ARE TO BE MADE IN THE TRANSFER COURT, DO NOT DOCKET TO THIS CASE. (SY) (Entered: 07/12/2024)